

In the Court of Appeals of the State of Alaska

Chris N. Nelson,

Appellant,

v.

State of Alaska,

Appellee.

Trial Court Case No. **3AN-15-04846CI**

Court of Appeals No. **A-13343**

Order

Extend Time to File Brief

Date of Order: **July 13, 2020**

Before: Allard, Chief Judge, Wollenberg and Harbison, Judges.

Chris Neal Nelson is represented in this appeal by the Public Defender Agency. Pending before us is the Public Defender Agency's motion requesting an extension of 120 days to file the opening brief. The Agency previously requested and received one extension totaling 390 days to file the opening brief. The affidavit of counsel that was filed in support of the motion indicates that this extension is necessary because the Public Defender Agency has not identified a lawyer who will be assigned to this case.

While this Court does not question the professionalism and diligence of the attorneys in the appellate section of the Public Defender Agency, we are concerned that the need for additional time seems to be driven by the allocation of insufficient resources to the appellate section. We remind the Agency that sustained understaffing of the appellate section is not an "extraordinary and unforeseeable circumstance[]" that justif[ies] extending the briefing deadline beyond the Court's limits" for purposes of Standing Order No. 12.

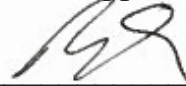
Nelson v. State - p. 2
File No. A-13343
July 13, 2020

Because the affidavit suggests that the Agency is taking steps to address the understaffing, we will **GRANT** the pending motion. We wish to note, however, that if the Agency's allocation of appellate resources continues, over a sustained period of time, to be below that necessary to meet the Standing Order No. 12 deadlines, this Court may consider the Agency to be in willful violation of Standing Order No. 12 and may issue an order requiring the Agency to show cause why it should not be sanctioned.

The Appellant's opening brief is now due on or before **October 29, 2020**.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Court of Appeals Judges

Distribution:

Email:
McFarland, Renee, Public Defender
Cicotte, Matthias R